

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THU TRAN, Individually And)
On Behalf of All Others Similarly Situated,) DOCKET NUMBER: 07-cv-3754
Plaintiff,)
vs.) HON. RICHARD M. BERMAN
NETLIST, INC., CHUN K. HONG,)
CHRISTOPHER LOPES, NAM KI HONG,)
THOMAS F. LAGATTA, ALAN H. PORTNOY,)
DAVID M. RICKY, PRESTON ROMM,)
THOMAS WEISEL PARTNERS LLC,)
NEEDHAM & CO. LLC, WR HAMBRECHT +)
CO. LLC,)
Defendants)

(Caption continued on the following page)

**DECLARATION OF KIM E. MILLER IN SUPPORT OF THE MOTION OF THE TRAN
GROUP TO CONSOLIDATE RELATED ACTIONS; TO BE APPOINTED LEAD
PLAINTIFF; AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF
COUNSEL**

| | | |
|--|---|---------------------------|
| RAGGA BENJAMIN, Individually And On |) | |
| Behalf of All Others Similarly Situated, |) | DOCKET NUMBER: 07-cv-5518 |
| |) | |
| |) | |
| Plaintiff, |) | HON. RICHARD M. BERMAN |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| NETLIST, INC., CHUN K. HONG, |) | |
| CHRISTOPHER LOPES, JAYESH BHAKTA, |) | |
| PAIK KI HONG, NAM KI HONG, THOMAS F. |) | |
| LAGATTA, ALAN H. PORTNOY, DAVID M. |) | |
| RICKEY, PRESTON ROMM, THOMAS |) | |
| WEISEL PARTNERS LLC, NEEDHAM & CO. |) | |
| LLC, WR HAMBRECHT + CO. LLC, |) | |
| |) | |
| Defendants. |) | |
| |) | |

I, Kim E. Miller, hereby declare as follows:

1. I am a member in good standing of the bar of New York. I am a member of the law firm of Kahn Gauthier Swick, LLC, proposed Lead Counsel for Movant, the Tran Group. I submit this declaration in support of the motion filed by the Tran Group to: (1) consolidate all related cases; (2) to be appointed as Lead Plaintiff; and (3) approve Lead Plaintiff's selection of Lead Counsel for the Class.

2. Attached as exhibits are true and correct copies of the following:

Exhibit A: Certifications and loss chart of the Tran Group with detailed listing of transactions, and loss chart.

Exhibit B: Published Notice on *Market Wire* on May 28, 2007, of the first securities class action complaint filed in this matter in the United States District Court for the Southern District of New York.

Exhibit C: Firm Biography for Proposed Lead Counsel, Kahn Gauthier Swick, LLC
and Hagens Berman Sobol Shapiro, LLP.

I declare under penalty of perjury under the laws of the state of New York that the foregoing facts are true and correct. Executed this 27th day of July, 2007, at New York, New York.

DATED: July 27, 2007 _____ /s/ Kim E. Miller

KIM E. MILLER